

AUG 08 2002

Attorney Docket No: 7175/65430
PATENT

Special Handling
Request for Reconsideration
After Final Rejection

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kip Van Steenburg

Serial No.: 09/660,433 Art Unit: 3673

Filed: September 7, 2000 Examiner: Michael Trettel

For: LEG HOLDER SYSTEM FOR SIMULTANEOUS POSITIONING IN THE
ABDUCTION AND LITHOTOMY DIMENSIONS

REQUEST FOR RECONSIDERATION

(Box Non-Fee Amendment)
Honorable Assistant Commissioner for
Patents
Washington, D.C. 20231

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Sir:

In response to the Office Action of May 21, 2002, reconsideration of the recapture rejections is requested for the reasons presented below.

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REMARKS

Reconsideration of the rejection of Claims 14-100 under 35 U.S.C. 251 as being an improper recapture of broaden claimed subject matter surrendered in the application for the patent upon which the reissue is based is requested. While it is true that certain of the claims delete limitations that were added to gain allowance, the claims also include additional subject matter narrowing the claims in the same general area. The criteria to be applied is whether or not the applicant is trying to re prosecute by way of reissue that which he gave up. As referenced in the Pannu case (Pannu et al. v. Storz Instruments Inc., 59 USPQ 2nd 1597 -
copy attached), the criteria and analysis in determining whether or not recapture occurs can